

---

UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2018/005

Judgment No.: UNDT/2018/051

Date: 25 April 2018

Original: English

---

**Before:** Judge Agnieszka Klonowiecka-Milart

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

BARBER

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

---

**JUDGMENT ON RECEIVABILITY**

---

**Counsel for the Applicant:**

Self-represented

**Counsel for the Respondent:**

Nicole Wynn, ALS/OHRM

Nusrat Chagtai, ALS/OHRM

## **Introduction**

1. The Applicant is a former staff member of the United Nations Support



Case No. UNDT/NBI/2018/005

Judgment No.: UNDT/2018/051



Case No. UNDT/NBI/2018/005

Judgment No.: UNDT/2018/051

Otherwise, the decision-maker would not be able to follow the correct process to

Thus, the authority to render a judgment gives the [Dispute Tribunal] an inherent power to individualize and define the administrative decision impugned by a party and identify what is in fact being contested and so, subject to judicial review.

29. Among others, the nature and contents of a management evaluation response is indicative of what matters were considered in answer to a request for management evaluation (*Lemonnier* 2016-UNAT-679, para. 47).

30. Therefore, in order to individualize and define the administrative decision which has been impugned, the Tribunal undertook to obtain from the Applicant the content of his management evaluation request and the response received, which, albeit listed in the application, had not been filed along with it. These documents confirmed that the subject of the request was the lack of response regarding his disability benefits.

31. The Tribunal also held a case management discussion where the Applicant articulated that his application was directed against the inaction of the United Nations Administration in relation to disability claims before ABCC but not (yet) to receive compensation for any harm resulting from the delay. The parties also confirmed that, following the ABCC decision, adjustments in payments related to

informed the Applicant, who was not represented by counsel, about the deadline to appeal the ABCC decision, should he be not satisfied with the outcome; about the lack of obligation to seek management evaluation of such decision; about the need to distinguish this decision from any other decisions related to termination which need to be submitted for management evaluation; and about a possibility of requesting compens0 G -0.048 Tc[(ed)]0ch

Case No. UNDT/NBI/2018/005

Judgment No.: UNDT/2018/051